APPENDIX "A"

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 08-20001
Summary Calendar

ALI WARIS
Plaintiff - Appellant

v.

HARRIS COUNTY PUBLIC HEALTH & ENVIRONMENTAL SERVICES; HERMINIA PALACIO, Harris County Public Health and Environmental Services, in Personal and Official Capacity; CHARLES CUNNINGHAM, Harris County Public Health and Environmental Services, in Personal and Official Capacity; UMAIR SHAH, Medical Doctor, Harris County Public Health and Environmental Services, in Personal and Official Capacity; HARRIS COUNTY.
Defendants-Appellees

Appeal from the
United States District Court for the
Southern District of Texas, Houston
USDC No. 4:06-CV-1331

Before STEWART, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:[1]

Ali Waris's employment was terminated seven weeks after he was hired as a clinic manager for Harris County. The decision to terminate Waris's employment was based on numerous complaints about his attitude, verbal attacks, and unprofessional conduct after previous reprimands, including sending an improper email to his subordinates and supervisors about a member of the United States Congress who sponsored a public immunization event through the clinic.

Waris, acting *pro se*, filed suit alleging discrimination based on race and national origin and violation of constitutional rights. The district court adopted the findings and recommendation of a magistrate judge and granted summary judgment for the Defendants.

We agree with the district court that Waris failed to demonstrate a *prima facie* case of race or national origin discrimination in that no evidence of disparate treatment was advanced. Waris also failed to adequately state any claim

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[1] Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5THCIR. R. 47.5.4.

for violation of constitutional rights. Finding that there was no jurisdiction once the Defendants were granted summary judgment, the district court properly refused to exercise supplemental jurisdiction over the state law claims. 28 U.S.C.

§ 1367(c)(3).

For the reasons adopted by the district court, the judgment is

AFFIRMED.

APPENDIX "B"

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

ALI WARIS,
Plaintiff,

v.

Civil Action
No. H-06-1331

HARRIS COUNTY, TEXAS, et al.,
Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

Pending before the court are the Plaintiff's Objections, and Amended Objections to the Magistrate Judge's Memorandum and Recommendation. Dkts. 93 & 94. Having reviewed the Memorandum and Recommendation dated November 27, 2007, and the Plaintiff's Objections and Amended Objections, the court ADOPTS the Magistrate Judge's Memorandum and Recommendation. Dkt. 92.

In his objections, Plaintiff argues that the court cannot rule on the Motions for Summary Judgment without first ruling on his Motions for Sanctions Against Spoliation and Perjury. Dkt.

86. In the interim period, the Magistrate Judge has denied the Plaintiff's Motions. Dkt. 95.

However, even if the court disagreed with the Magistrate Judge's ruling on the Plaintiff's Motions—which it does not—the court still finds that the Plaintiff has failed to create a genuine issue of material fact. Therefore, summary judgment for the Defendants is appropriate.

Accordingly, it is ORDERED that the Memorandum and Recommendation (Dkt. 92) is hereby ADOPTED by the court. Defendants' Motion for Summary Judgment (Dkt. 58) is GRANTED. Plaintiff's Motion for Summary Judgment (Dkt. 74) is DENIED.

Additionally, the court declines to exercise supplemental jurisdiction over the Plaintiff's state law claims. Therefore, those state law claims are DISMISSED without prejudice.

It is so ORDERED.

Signed at Houston, Texas on December 12, 2007

Gray H. Miller
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

Civil Action No. H-06-1331

ALI WARIS,
Plaintiff,

v.

HARRIS COUNTY, TEXAS, et al.,
Defendants.

FINAL JUDGMENT

In accordance with the Court's Order adopting the Magistrate Judge's Memorandum and Recommendation issued this date, Defendants' Motion for Summary Judgment (Dkt. 58) is GRANTED, and Plaintiff's Motion for Summary Judgment (Dkt. 74) is DENIED.

Additionally, the court declines to exercise supplemental jurisdiction over the Plaintiff's state law claims. Therefore, those state law claims are DISMISSED WITHOUT PREJUDICE to refile in a state court of appropriate jurisdiction.

This is a FINAL JUDGMENT.

Signed at Houston,
Texas on December 12, 2007.

Gray H. Miller
United States District Judge

APPENDIX C

28 U.S.C. § 1291. Final decisions of district courts

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292 (c) and (d) and 1295 of this title.